



INTERIOR BOARD OF INDIAN APPEALS

Stephanie Roberts and Gerry Day v. Acting Muskogee Area Director,
Bureau of Indian Affairs

28 IBIA 217 (10/05/1995)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

STEPHANIE ROBERTS and GERRY DAY,	:	Order Affirming Decisions
Appellants	:	
	:	
v.	:	Docket No. IBIA 95-128-A
ACTING MUSKOGEE AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 5, 1995

This is an appeal from a June 2, 1995, decision of the Acting Muskogee Area Director, Bureau of Indian Affairs, denying a loan guaranty application in the amount of \$125,000. In their notice of appeal, appellants stated that they were making two "proposals" which they wished the Board to consider. On July 11, 1995, the Board issued an order of limited remand, temporarily returning this matter to the Area Director for consideration of appellants' new proposals. On July 21, 1995, the Area Director issued a new decision rejecting appellants' two proposals.

Upon receipt of the Area Director's new decision, the Board established a briefing schedule, informing appellants that they were entitled to address both of the Area Director's decisions in their brief. Appellants did not file a brief.

As appellants were informed in the briefing order, the burden was upon them to show error in the Area Director's decisions. By failing to make any arguments, appellants have failed to carry their burden of proof. See, e.g., Fort McDermitt Paiute-Shoshone Tribe v. Acting Phoenix Area Director, 27 IBIA 162 (1995), and cases cited therein.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Area Director's June 2, 1995, and July 21, 1995, decisions are affirmed.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge